

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

In Re Paul Wojciechowski )  
 ) 16-42442  
and ) Ch 13  
Mary Wojciechowski ) October 13 2016  
 )  
Debtors )

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**Creditor Susan Mello and Susan H Mello LLC's Motion for clarification on order No 87 and for direction on same and need to comply with LR 1017-D and motion to amend order finding discovery has ended**

Comes now Creditor and Claimant Susan Mello and Susan H Mello LLC and on order No 87 and moves for direction and /or to amend same for the reason

1 As Creditor noted the only items sent to debtor were the Motions to dismiss (which John Howley directed be sent the undersigned) LR L.R, 1017-1 D. directs copies should be sent both to the debtor where the language of the rule seems to mandate copies be sent to the debtor as well as debtor's counsel listing all three and referring to the counsel as one of three to be served not in lieu of serving the debtor noting " stating

shall be served on debtor, debtor's counsel (if any) and the Trustee" with the

entire rule being

Dismissal in Chapter 13 Cases - General Provisions. In

Chapter 13 cases, the debtor's voluntary motion to dismiss shall be served on the Trustee, and the Court will promptly dismiss the case after the motion has been filed. All other motions to dismiss a Chapter 13 case **shall be served on the debtor, the debtor's attorney (if any), and the Trustee.**

Motions to dismiss made by parties other than the debtor in Chapter 13 cases shall be heard on Negative Notice.

2 As such Creditor requests if the intention of the order was to make an exception to the local rule, and henceforth designate counsel as the equivalent for agent for service including for a trial subpoena such that in addition to being relieved of the mandate of LR 1017 and service on counsel would be sufficient for a subpoena

3 Creditor and Claimant moves the order be amended finding discovery has ended in the main case where to the knowledge of the undersigned there was no scheduling order in the main case setting any discovery time table ( only in the adversary case) and while the undersigned Creditor and Claimant did duly send a LR 1030 request has to date received nothing on it , and while the undersigned did ask for a deposition as requested in September 2016 debtor counsel has failed to provide deposition dates .

Wherefore Creditor moves for the direction on whether the court's intention was to create an exception to LR 1017 and to designate counsel as designated agent for all process and to permit the deposition as requested to proceed and to require compliance with LR 1030 and such other relief as proper

BY /s/ Susan H Mello

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Pro se Creditor /Plaintiff and Attorney For

Creditor /Plaintiff Susan H Mello LLC

The undersigned confirms that she eserved a copy on D Daugherty and A Redden-Jansen by e service and understands the Notice of Electronic filing and as such all necessary parties are served with this documents via the Court's CM/ECF system on the 11\_ day of October 2016 /s/ Susan H Mello